

Message

From: Cole, Joseph E. [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5D4A7B2366AF40F498E339A7718E3441-COLE, JOSEP]
Sent: 5/14/2021 9:30:11 PM
To: Aranda, Amber [aranda.amber@epa.gov]
Subject: RE: New Decision - Hardeman v. Monsanto (9th Cir.)

I had finally just gotten to the decision and was about 10 pages in when your email came in earlier!

Joe

Joseph E. Cole
Associate General Counsel
Pesticides and Toxic Substances Law Office
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From: Aranda, Amber <aranda.amber@epa.gov>
Sent: Friday, May 14, 2021 4:46 PM
To: Cole, Joseph E. <cole.josephe@epa.gov>
Subject: RE: New Decision - Hardeman v. Monsanto (9th Cir.)

Sounds good. Everything in the email is straight out of public materials.

Ex. 5 Attorney Client (AC)

Amber L. Aranda
Environmental Protection Agency
Office of General Counsel
202) 564-1737

From: Cole, Joseph E. <cole.josephe@epa.gov>
Sent: Friday, May 14, 2021 4:44 PM
To: Aranda, Amber <aranda.amber@epa.gov>
Subject: RE: New Decision - Hardeman v. Monsanto (9th Cir.)

Ex. 5 Attorney Client (AC)

Have a good weekend.

Joe

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From: Aranda, Amber <aranda.amber@epa.gov>
Sent: Friday, May 14, 2021 4:36 PM
To: OGC Immediate Office All <OGC Immediate Office All@epa.gov>
Cc: Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>
Subject: New Decision - Hardeman v. Monsanto (9th Cir.)

Ex. 5 Attorney Work Product (AWP)

A more detailed discussion of this case will be provided after further discussion with DOJ and the OPP.

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From: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>
Sent: Friday, May 14, 2021 12:28 PM
To: Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; justin.smith@usdoj.gov; Koch, Erin <Koch.Erin@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Aranda, Amber <aranda.amber@epa.gov>
Subject: hardeman v monsanto decision

The 9th Circuit opinion in the Hardeman v. Monsanto case just came out. This is the case where we filed an amicus brief arguing that any California state-based labeling requirements were preempted by FIFRA. The 9th Cir. affirmed the judgment of the district court and found that California law was consistent with FIFRA. I haven't read the decision yet (it's long). I'll follow up if there is more to report.

Matt Oakes
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